

Amendments to the Drawings:

The attached sheet of drawings includes changes to FIG. 5 and FIG. 7A.

No new matter is believed to have been introduced.

REMARKS

Claims 1-17 are pending in the above-identified application. Claims 1-17 have been rejected in the most recent Office Action. Claims 1, 8, and 13 have been amended herein. Applicants respectfully traverse each ground of rejection and request reconsideration and further examination of the application under 37 CFR § 1.111. Applicants respond to each ground of rejection and objection as follows.

A. Claims 3, 4, 7 and 8-17 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

The Section 112 grounds of rejection have been addressed and overcome by the present amendments to the drawings and specification. Specifically, the drawings and specification have been amended to more particularly describe the pivotable connection of the footrest support members 102 to the central mechanical portion 104 or gearbox. Drawing FIG 7A and the specification have also been amended to more particularly describe the connection of the two portions 126, 128 of the support member 102. It is submitted that the 35 U.S.C. 112 grounds of rejection have thus been overcome.

B. Claims 1-2 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,238,321 to Arnold et al.

Arnold et al. discloses an elliptical exercise device having footrests 76 ending in wheels 78 that engage linear guide tracks 52. The wheels 78, and thus the footrests 76, are thus limited to moving back and forth along the guide tracks 52 in a straight line. Applicants' claim 1, as amended, requires "the footrest support member rollingly cooperates with substantially the entire contact surface". Arnold et al. does not disclose or suggest a footrest that may roam over the entire base into which the guide track is formed, but instead discloses a guide track 52 for limiting and directing the movement of the footrest 76. It is therefore respectfully submitted that Arnold et al. does not show or suggest the above-recited apparatus of Applicant's independent claim 1.

Claim 2 depends from claim 1 and therefore includes all of the limitations of claim 1. It is therefore respectfully submitted that claim 2 is allowable over Arnold et al. for at least the same reasons as set forth above regarding claim 1.

C. Claims 5-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al. in view of U.S. Patent No. 5,868,650 to Wu.

Arnold et al. discloses an elliptical exercise device having footrests 76 ending in wheels 78 that engage linear guide tracks 52. The wheels 78, and thus the footrests 76, are thus limited to moving back and forth along the guide tracks 52 in a straight line. Wu discloses an elliptical exercise device

having telescoping portions 240 interlockingly connected via a pin 242 and aperture arrangement. Applicants' claim 1, as amended, requires "the footrest support member rollingly cooperates with substantially the entire contact surface". Neither of the above-cited references disclose or suggest the rollingly cooperation of the footrest with substantially the entire contact surface element required by Applicants' independent claim 1. The above-cited references both disclose footrest members that are restricted to travel back and forth in straight lines without being able to move side-to-side.

To establish a prima facie case of obviousness, three criteria must be met. First, there must be some suggestion or motivation to modify the reference or combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art references must teach or suggest all of the claim limitations. MPEP § 706.02(j). The above references do not teach or suggest footrests that may move substantially over the entire surface of the contact area. Therefore, a prima facie case of obviousness has not been made. The cited reference does not, alone or in combination with any reference of record, teach or suggest the combination of elements of Applicants' amended claim 1. Claims 5 and 6 depend from claim 1 and therefore include all of the limitations of claim 1. It is therefore respectfully submitted that claims 5 and 6 are allowable over the references of record for at least the same reasons as set forth above regarding claim 1.

CONCLUSION

Applicant has amended drawing FIGs. 5 and 7A, the relevant portions of the specification, and claims 1, 8, and 13. Applicant respectfully requests a Notice of Allowance for pending claims 1-17. The undersigned welcomes a telephonic interview with the Examiner, if the Examiner believes that such an interview would facilitate review of this Amendment Response. No additional fees are believed to be necessary; however, should any fees be deemed required, please charge such fees to Deposit Account No. 50-0410, but not to include any payment of issue fees.

Respectfully submitted,

By 

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ANNOTATED DRAWING
Elliptical Crosstraining Exercise Machine
Inventor: Michell J. Schroder
Attorney Docket No. 12939-42917

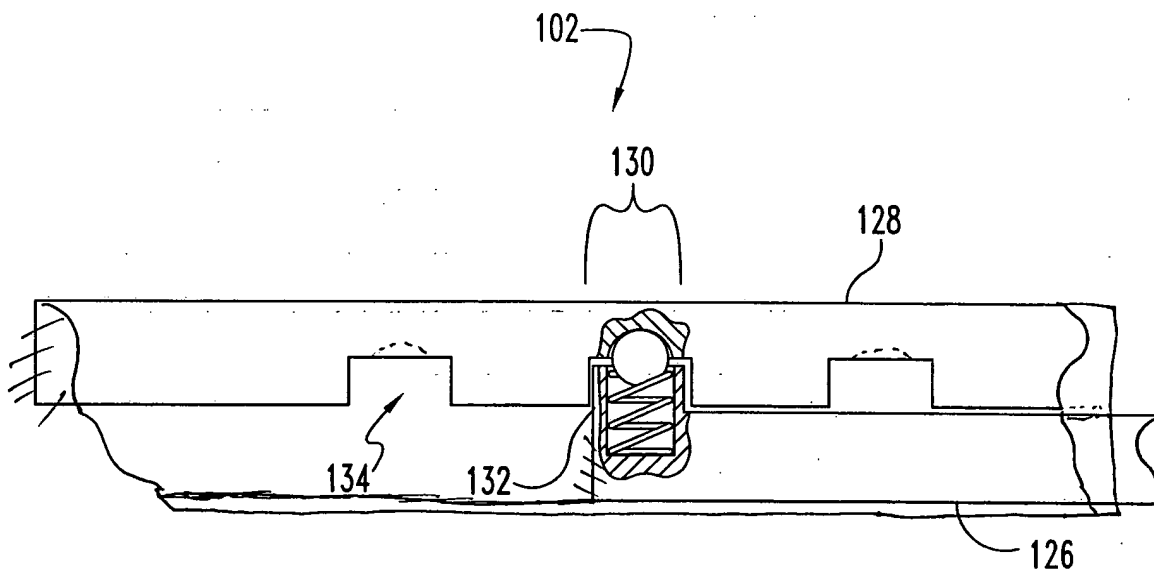


Fig. 7A

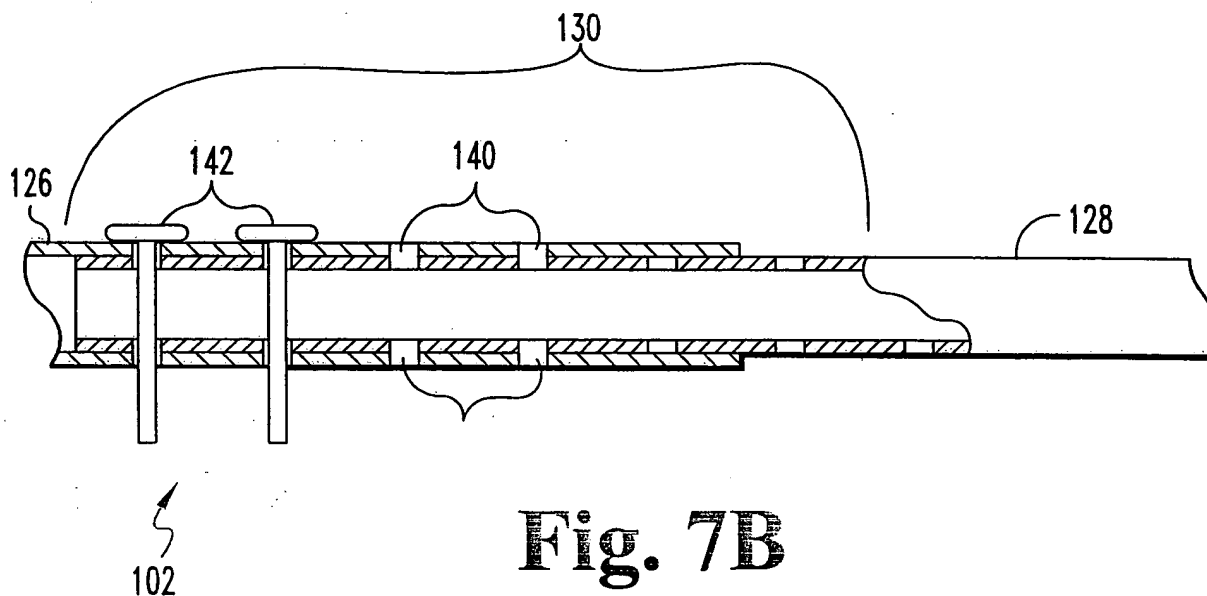


Fig. 7B

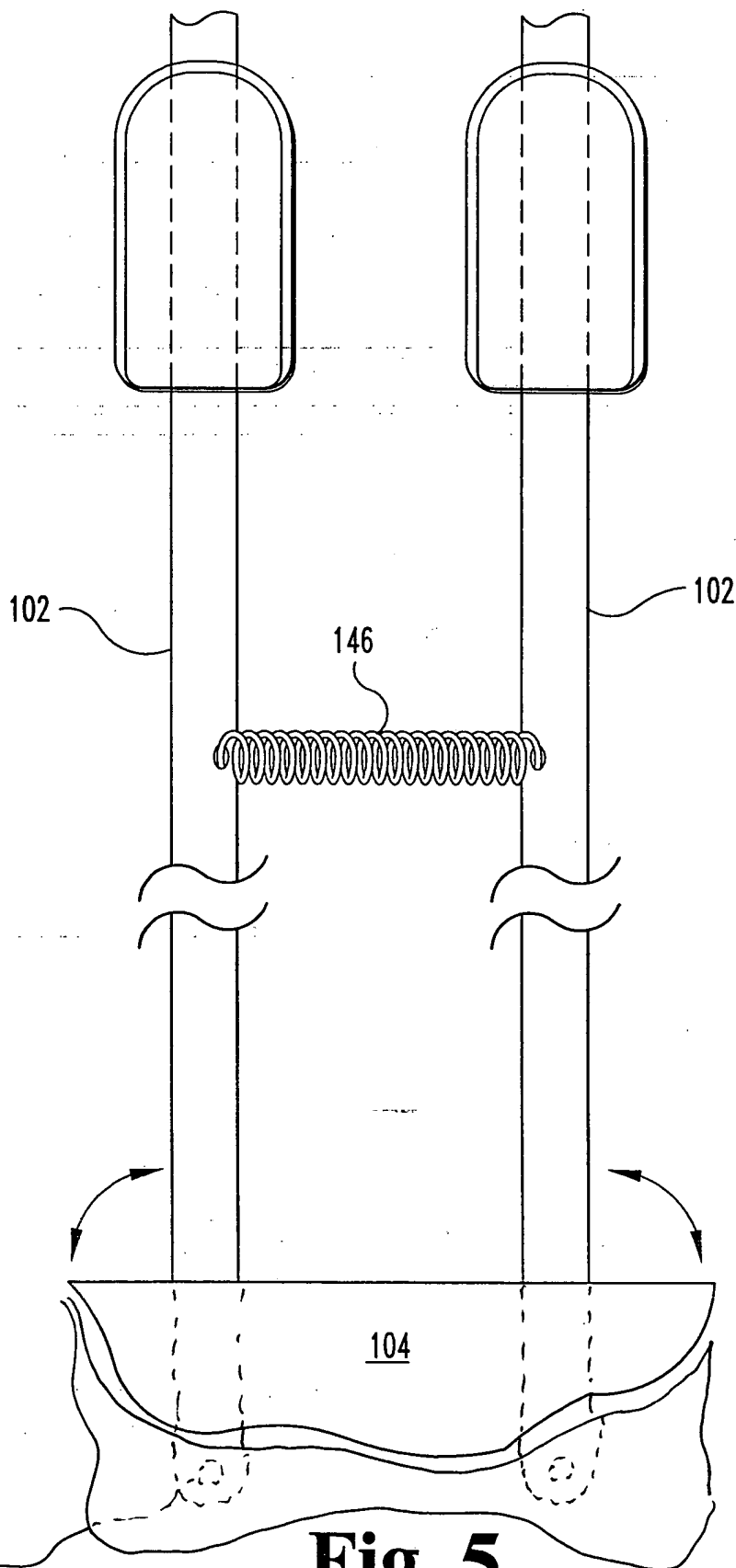


Fig. 5